

# CABELL EXHIBIT B



State of West Virginia  
Office of the Attorney General

Patrick Morrissey  
Attorney General

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October 4, 2017

Anthony J. Majestro, Esq  
Powell & Majestro PLLC  
P.O. Box 3081  
Charleston, WV 25331

Re: FOIA Request Dated June 22, 2017  
AG FOIA Docket #17-AM-001

Dear Mr. Majestro:

In compliance with the West Virginia Freedom of Information Act, W.Va. Code § 29B-1-1 *et seq.*, this office searched its records following receipt of the above referenced request. In your request you seek:

"I am requesting an opportunity to inspect or obtain copies of public records that relate to the settlement of the cases styled *State of West Virginia ex rel. Patrick Morrissey, et al v. Cardinal Health, Inc.*, Civil Action No. 12-C-140, Circuit Court of Boone County, West Virginia; and *State of West Virginia ex rel. Patrick Morrissey v. Amerisourcebergen Drug Corp, et al*, Civil Action No. 12-C-141, Circuit Court of Boone County (collectively "Civil Actions"). This request includes the following documents, including documents kept in electronic form:

1. All written communications (both traditional mail and electronic) between and among the Office of the West Virginia Attorney General including any person, law firm or attorney acting on behalf of the Office of the West Virginia Attorney General (collectively "WVAGO") and Cardinal Health, Inc., including any person, law firm or attorney acting on behalf of Cardinal Health, Inc. (collectively "Cardinal") relating to the drafting of settlement agreements, releases, dismissal orders, or similar documents for the Civil Actions (collectively "Settlement Documents");

Response: All public records located during the Office's search consist of communications made during or as part of the mediation process entered into between the Office and Cardinal Health. As such, those communications are confidential pursuant to the West Virginia Trial Court Rules, Rule 25.12.

2. The final versions, drafts, and proposed language exchanged between Cardinal and WVAGO including any versions that contain handwritten changes or electronic track changes relating to Settlement Documents whether the language or document was accepted or rejected in whole or in part;

Response: Enclosed please find a copy of the final settlement agreements entered into between the parties. All other communications consist of communications made during or as part of the mediation process entered into between the Office and Cardinal Health. As such, those communications are confidential pursuant to the West Virginia Trial Court Rules, Rule 25.12.

3. All written communications (both traditional mail and electronic) and records of communications between WVAGO and Cardinal relating whether the settlement of the Civil Actions by WVAGO and Cardinal was intended to release any claim of any West Virginia County Commission;

Response: All public records located during the Office's search consist of communications made during or as part of the mediation process entered into between the Office and Cardinal Health. As such, those communications are confidential pursuant to the West Virginia Trial Court Rules, Rule 25.12.

4. All pleadings, motions, memoranda, and correspondence, whether filed or in draft form, exchanged between WVAGO and Cardinal relating to compelling enforcement of the settlement of the Civil Actions between WVAGO and Cardinal;

Response: The Office maintains no public records responsive to this request.

5. All written communications (both traditional mail and electronic) or records of communications between the WVAGO and the Cabell, Kanawha, Logan, Fayette, Wayne, and Wyoming County Commissions relating to the Civil Actions; and

Response: The Office maintains no public records responsive to this request.

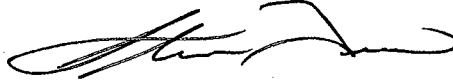
6. All documents reflecting the disposition of any proceeds of any settlement of the Civil Actions.

Response: The Office maintains no public records responsive to this request.

If you have any questions or would like to discuss this correspondence please do not hesitate to contact me.

Pursuant to W.Va. Code § 29B-1-3, I am required to inform you that having now replied to your request, no further action is required and our response to your request is at an end. In addition, I am required to inform you that if you are dissatisfied with this response you have the right to institute proceedings for declaratory or injunctive relief in the Circuit Court of Kanawha County.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven A. Travis", with a stylized flourish at the end.

Steven A. Travis  
Deputy Attorney General